



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,293	05/31/2001	G. Eric Engstrom	112076-138338	2368

25943 7590 08/16/2006

SCHWABE, WILLIAMSON & WYATT, P.C.
PACWEST CENTER, SUITE 1900
1211 SW FIFTH AVENUE
PORTLAND, OR 97204

EXAMINER

KALINOWSKI, ALEXANDER G

ART UNIT	PAPER NUMBER
----------	--------------

3627

DATE MAILED: 08/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/872,293	Applicant(s) ENGSTROM, G. ERIC	
	Examiner Alexander Kalinowski	Art Unit 3627	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 June 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

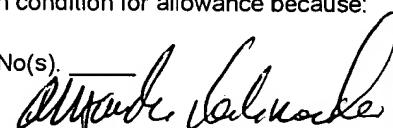
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s): _____
 13. ☐ Other: _____



Alexander Kalinowski
 SPE
 Art Unit: 3627

Continuation of 11. does NOT place the application in condition for allowance because: The arguments presented by Applicant do not overcome the rejection of the claims. Applicant argues that the Tsuei reference does not disclose a substitute delivery address but does show the use of a private mailing code. The Examiner disagrees. The Tsuei reference discloses the use of an alias address (i.e. a substitute delivery address) where the alias address is a warehouse or a disguised mailing center(see paragraph 232 and 233). Therefore, the Tsuei reference discloses the use of a substitute delivery address. Applicant further argues that the Tsuei reference fails to disclose the delivery address service receives notification of a request to deliver or the arrival of the good, and then intervenes to provide the true mailing address to the shipper. The Examiner disagrees. In Tsuei, the offline database accepts an electronic message of a request to deliver a purchased good as a result of the use of an alias address by a subscriber in an online transaction (paragraph 83). Once the request is accepted, the system looks up the requested information in a lookup table and provides the requested information (paragraphs 83-85). Therefore, Tsuei discloses the claimed feature of a delivery address service receiving a notification message of a request to deliver goods and intervening to provide a true mailing address. The Examiner notes that claim language does not support Applicant's interpretation that the delivery address service pushes information to the shipper. Therefore, the Examiner will not consider Applicant's argument that the claimed invention pushes information to the shipper while the Tsuei reference pulls information from the database by the shipper. Therefore, Applicant's arguments directed to claim 1 are deemed nonpersuasive. For the same reasons, Applicant's arguments directed to the claims 15, 22, and 29 and dependent claims 2-5, 7, 13-14, 16-17, 19, 23-24, 26, 30-31, 34 and 36 are deemed nonpersuasive. with respect to claims 6, 8-10, 12, 18, 20-21, 25, 27-28, 32-33, 35 and 37, Applicant argues that Yamada does not overcome the deficiencies of Tsuei. See the Examiner's response to Applicant's arguments directed to the Tsuei reference. Furthermore, Applicant argues that the Yamada reference teaches away from the Tsuei reference. The Examiner notes that the Yamada reference was used to disclose specific features dealing with an alternative mailing address and that these features would have been obvious to one of ordinary skill. Also, the features are directed to the use of alternate mailing addresses, a feature which was present in the Tsuei reference. Therefore, Applicant's arguments are deemed nonpersuasive. With respect to claim 11, Applicant repeats the same arguments directed to the Tsuei and Yamada references. The Examiner refers Applicant to the response to these arguments above. Therefore, Applicant's arguments directed to claim 11 are deemed nonpersuasive. .